

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
IN RE APPLICATION OF APPLE COMPUTER, :
INC., :
:
:
-----X

09 CIV. 7077 (DLC)

PRETRIAL
SCHEDULING ORDER

Related to

UNITED STATES OF AMERICA,
Plaintiff

V.

AMERICAN SOCIETY OF COMPOSERS, AUTHORS, :
AND PUBLISHERS, :
Defendant. :
-----X

41 Civ. 1395 (DLC)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>8/31/09</u>

DENISE COTE, District Judge:

The following schedule shall govern the further conduct of pretrial proceedings in this case:

1. The parties shall comply with their Rule 26(a)(1), Fed.R.Civ.P., initial disclosure obligations by **September 4, 2009**.
2. The parties are instructed to contact the chambers of Magistrate Judge Dolinger by **September 4, 2009** in order to pursue settlement discussions under his supervision.
3. The following motion will be served by the dates indicated below.

Any motion for interim fees

- Motion served by **October 30, 2009**
- Opposition served by **November 20, 2009**
- Reply served by **December 11, 2009**

At the time any Reply is served the moving party shall supply two courtesy copies of all motion papers to Chambers by delivering them to the Courthouse Mailroom, 8th Floor,

United States Courthouse, 500 Pearl Street, New York, New York.

4. All fact discovery must be completed by **February 26, 2010**.
5. All expert discovery must be completed by **July 16, 2010**.
6. The Joint Pretrial Order must be filed by **September 17, 2010**.

As described in this Court's Individual Practices in Civil Cases, the following documents must be filed with the Pretrial Order: Proposed Findings of Fact and Conclusions of Law and a Memorandum of Law addressing all questions of law expected to arise at trial. Any responsive memorandum of law is due one week thereafter.

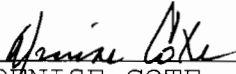
All direct testimony except for testimony of an adverse party, a person whose attendance must be compelled by subpoena, or a witness for whom a party has requested and the Court has agreed to hear the direct testimony at trial, shall be submitted by affidavits served, **but not filed**, with the Joint Pretrial Order.

Those portions of depositions that are being offered as substantive evidence, along with a one page synopsis (with transcript citations) of such testimony for each deposition, shall be exchanged at the time the Pretrial Order is filed.

Three days after submission of the affidavits, counsel for each party shall submit a list of all affiants that he or she intends to cross-examine at the trial. Affiants for whom such notice is not given are not required to be present at trial.

Counsel will provide the Court with two (2) courtesy copies of all these documents at the time they are served, as well as one set of pre-marked exhibits assembled sequentially i) in a looseleaf binder, or ii) in separate manila folders labelled with the exhibit numbers and placed in a suitable container or box for ready reference.

Dated: New York, New York
August 31, 2009



DENISE COTE
United States District Judge